THE HON'BLE SRI JUSTICE K.C.BHANU

WRIT PETITION No. 1046 of 2005

Date:30.09.2005

Between:

Md. Haroon Ansari, s/o. Md. Farooq Ansari,
R/o. Plot No.88, Dilshadnagar colony,
Mehdipatnam, Hyderabad, rep. by his GPA
Ahmed Ansari, s/o. late Md. Farooq Ansari

…Petitioner

and

1)The Joint Collector/OSD/FR,
Charminar Co-op. Urban Bank Ltd.,
Hyderabad & another

…Respondents

ORDER:

None appeared for both sides when the matter came up yesterday and so, it was posted to today.

Challenging the notice of sale of immovable properties dated 21.12.2004 in E.P. No.297 of 2003 issued by the first respondent-bank as arbitrary and illegal, the present Writ Petition is filed.

It is seen from the interim order of this Court dated 28.01.2005 that the respondent-bank agreed to settle the accounts of the petitioner on payment of a sum of Rs.10,00,000/- instantly and the balance amount of Rs. 2,32,284/- thereafter and that the petitioner claimed to have paid the amount of Rs.10,00,000/- within time, and therefore, stay of sale of the property of the petitioner was granted on condition of petitioner depositing a sum of Rs. 50,000/- within two weeks from the said date. But, as seen from the records, the said order has not been complied with. The petitioner is indulging in speculation and succeeded in not paying the amount and stalling the auction proceedings. Except saying that sale proposed to be held in E.P. No.297 of 2003 is illegal, it is not specifically stated as to how the same is illegal. The execution proceedings are consequential to the award passed, which is not under challenge.

The Writ Petition is devoid of merits and is, accordingly, dismissed. Interim order of this Court dated 28.01.2005 shall stand vacated and the respondents can proceed further in the E.P. No costs.

(K.C.Bhanu, J.)

30.09.2005

DRK